

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES ALLEN VANCE,

Petitioner,

v.

CASE NO. 05-CV-40131-FL  
HONORABLE PAUL V. GADOLA

MILLICENT WARREN,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION**  
**FOR APPOINTMENT OF COUNSEL**

Before the Court is Petitioner's motion for appointment of counsel in this habeas action. In support of his request, Petitioner alleges that he is unable to afford counsel, that he is unskilled in the law, that there are substantial disputes in the case, and that the interests of justice would be served by appointment of counsel.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6<sup>th</sup> Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6<sup>th</sup> Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9<sup>th</sup> Cir. 1965)). Petitioner has submitted his habeas petition in support of his claims. Respondent has recently filed an answer to the petition. Neither an evidentiary hearing nor discovery are necessary at this time, and the

interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c).

Accordingly, the Court **DENIES** Petitioner's motion for appointment of counsel. The Court will reconsider Petitioner's request if, following further review of the pleadings and state court record, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

s/Paul V. Gadola  
PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

DATED: January 23, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on January 24, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Raina I. Korbakis

, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

James Vance  
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s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845